

No. 15-1074

In the United States Court of Appeals
for the District of Columbia Circuit

AMPERSAND PUBLISHING, LLC, D/B/A SANTA BARBARA NEWS-PRESS,

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent,

GRAPHICS COMMUNICATIONS CONFERENCE INTERNATIONAL
BROTHERHOOD OF TEAMSTERS,

Intervenor for Respondent.

On Petition for Review of an Order of the National Labor Relations Board

**PETITIONER'S UNOPPOSED MOTION FOR EXTENSION OF
TIME TO FILE OPENING BRIEF; DECLARATION OF ANNA BARVIR**

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To the Clerk of the United States Court of Appeals for the District of Columbia Circuit:

Pursuant to rule 28 of the D.C. Circuit Rules and rule 26 of the Federal Rules of Appellate Procedure, Ampersand Publishing, LLC, d/b/a Santa Barbara News-Press (“the News-Press”), through its counsel of record, hereby submits this Unopposed Motion for Extension of Time to File Opening Brief. This motion is based on the Declaration of Anna Barvir attached hereto. Counsel for Respondent National Labor Relations Board and Intervenor Graphics Communications Conference International Brotherhood of Teamsters have indicated that they do not oppose petitioner’s request. (Barvir Decl., ¶¶ 2, 3.)

At present, the News-Press’s Opening Brief is due on November 24, 2015. For good cause, and not for reason of delay, the News-Press requests the deadline for its Opening Brief be extended for 60 days. (Barvir Decl., ¶ 11.) Pursuant to rule 26(b) of the Federal Rules of Appellate Procedure Rule, the News-Press represents that good cause exists for the reasons summarized below:

1. The News-Press’s current counsel did not participate in the proceedings below, and they were not retained for this appeal until mid-September 2015. (Barvir Decl., ¶ 5.) Indeed, attorney C.D. Michel filed his Entry of Appearance on September 18, 2015, after former counsel withdrew their representation on July 15, 2015. Attorney Anna M. Barvir applied for admission to

practice before the D.C. Circuit shortly thereafter. (Barvir Decl., ¶ 6.) Her application was approved on October 15, 2015. (Barvir Decl., ¶ 6.)

2. This case involves a complex labor dispute spanning more than ten years. (Barvir Decl., ¶ 7.) The record on appeal in this case is substantial, consisting of well over 1,000 pages. (Barvir Decl., ¶ 7.) What's more, the News-Press's attorneys only recently received the record, and they are still determining whether they have in their possession all the documents necessary to proceed with this appeal. (Barvir Decl., ¶ 8.) Counsel has spent much of their time familiarizing themselves with the portions of the record available to them and with the proceedings below, but more time is necessary to acquire missing documents and exhibits, fully analyze the record, research the relevant issues, and prepare a brief addressing the many issues on appeal. (Barvir Decl., ¶ 9.)

3. Counsel also represents the News-Press in a similar appeal, *Ampersand Publishing, LLC, d/b/a Santa Barbara News-Press v. National Labor Relations Board*, Case No. 15-1082. (Barvir Decl., ¶ 10.) That case has similar deadlines pending. In fact, Petitioner's Opening Brief is presently due on November 20, 2015, just four days before the News-Press's current briefing deadline in this case. (Barvir Decl., ¶ 10.)

4. Ms. Barvir, the attorney primarily responsible for managing and briefing this appeal on behalf of the News-Press, has substantial briefing

obligations over the next several weeks. She is scheduled to file an emergency motion to stay enforcement of a challenged ordinance in *Bosenko v. City of Los Angeles*, Superior Court of Los Angeles Case No. BS158682, in early November; a reply brief in *Bauer v. Harris*, Ninth Circuit Case No. 15-15428, due on or before November 13, 2015; and a reply to appellants' opposition to full remand in *Baker v. Lynch*, Ninth Circuit Case No. 13-56454, due on or before November 19, 2015. (Barvir Decl., ¶ 11.)

5. The above reasons preclude the News-Press's counsel from filing their Opening Brief by the current deadline of November 24, 2015, without significantly impairing its quality. (Barvir Decl., ¶ 12.) Extending the News-Press's deadline 60 days will allow the parties to fully research the relevant issues and prepare a brief that comprehensively addresses the substantial issues raised in this appeal.

For the foregoing reasons, the News-Press respectfully requests that the Court grant its unopposed motion to extend the due date to file their Opening Brief for 60 days, to and including January 25, 2016.

Date: October 29, 2015

MICHEL & ASSOCIATES, P.C.

/s/ C. D. Michel

C. D. Michel

Counsel for Petitioner

DECLARATION OF ANNA BARVIR

I, Anna M. Barvir, declare:

1. I am an attorney at law duly licensed to practice in the State of California and before the Supreme Court of the United States, the Fourth, Ninth, Tenth, and D.C. Circuit Courts of Appeals, and the United States District Courts for the Eastern and Northern Districts of California. I am an attorney at Michel & Associates, P.C., counsel of record for Petitioner Ampersand Publishing, LLC, d/b/a Santa Barbara News-Press (“the News-Press”). I have personal knowledge of the facts set forth herein and if called as a witness I could and would competently testify thereto.

2. On October 26, 2015, I e-mailed Mr. Micah Jost, counsel of record for Respondent National Labor Relations Board, regarding any objection to the News-Press’s request for an extension of time to file their opening brief. On October 28, 2015, Mr. Jost responded stating his client would not oppose a request for a 60-day extension. He confirmed his client’s non-opposition on October 29, 2015.

3. On October 28, 2015, I e-mailed Mr. Ira L. Gottlieb, counsel for Intervenor for Respondent Graphics Communications Conference International Brotherhood of Teamsters, regarding any objection to News-Press’s request for an extension of time to file their opening brief. On October 29, 2015, Mr. Gottlieb

responded via e-mail, stating that his client would not oppose a request for a 60-day extension.

4. The News-Press's Opening Brief is due on November 24, 2015.

5. Michel & Associates, P.C., current counsel of record for the News-Press, did not participate in the proceedings below, and they were not retained to handle this appeal until mid-September 2015.

6. I applied for admission to practice before the United States Court of Appeals for the District of Columbia Circuit, and my application was approved on October 15, 2015.

7. This case involves a complex labor dispute spanning more than ten years. The record on appeal is substantial, consisting of well over 1,000 pages.

8. My office received portions of the record on October 20, 2015, but we are still working to acquire all the documents necessary to proceed.

9. As counsel for the News-Press, my colleagues and I have spent much of our time since being retained familiarizing ourselves with the portions of the record available to us and with the proceedings below. We require more time, however, to acquire missing documents, to fully analyze the record, to research the relevant issues, and to prepare a brief addressing the many issues on appeal.

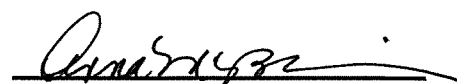
10. I am also primarily responsible for the representation of the News-Press in a similar appeal currently before the D.C. Circuit, *Ampersand Publishing*,

LLC, d/b/a Santa Barbara News-Press v. National Labor Relations Board, Case No. 15-1082. That case has similar deadlines pending. In fact, Petitioner's Opening Brief is presently due on November 20, 2015.

11. I am the attorney primarily responsible for managing and briefing this appeal on behalf of the News-Press, and I have substantial briefing obligations over the next several weeks. I am scheduled to file an emergency motion to stay enforcement of a challenged ordinance in *Bosenko v. City of Los Angeles*, Superior Court of Los Angeles Case No. BS158682, in early November; a reply brief in *Bauer v. Harris*, Ninth Circuit Case No. 15-15428, due on or before November 13, 2015; and a reply to appellants' opposition to full remand in *Baker v. Lynch*, Ninth Circuit Case No. 13-56454, due on or before November 19, 2015.

12. The above reasons preclude me from filing the News-Press's opening brief by the current deadline of November 24, 2015, without significantly impairing its quality. This motion is made in good faith for the reasons of actual need set forth herein and not for the purpose of delay.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed the 29th day of October, 2015, at Long Beach, California.



Anna M. Barvir
Declarant

CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2015, an electronic PDF of PETITIONER'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF; DECLARATION OF ANNA BARVIR was uploaded to the Court's CM/ECF system, which will automatically generate and send by electronic mail a Notice of Docket Activity to all registered attorneys participating in the case. Such notice constitutes service on those registered attorneys.

Date: October 29, 2015

MICHEL & ASSOCIATES, P.C.

s/ C. D. Michel

C. D. Michel

Counsel for Petitioner